

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:20-CV-00504-FDW-DSC

CPI SECURITY SYSTEMS, INC.,

Plaintiff,

v.

VIVINT SMART HOME, INC. f/k/a
Mosaic Acquisition Corp.; and LEGACY
VIVINT SMART HOME, INC. f/k/a
Vivint Smart Home, Inc.,

Defendants.

**PLAINTIFF CPI SECURITY
SYSTEMS, INC.'S MOTION *IN*
LIMINE TO EXCLUDE
IRRELEVANT AND
INFLAMMATORY RACE-
RELATED EVIDENCE AT TRIAL**

Pursuant to section 4(d) of the Case Management Order (Doc. 85), Plaintiff CPI Security Systems, Inc. ("CPI") respectfully moves this Court for an Order excluding any evidence, comment, reference, testimony, or argument by Defendants Vivint Smart Home, Inc. f/k/a Mosaic Acquisition Corp. and Legacy Vivint Smart Home, Inc. f/k/a Vivint Smart Home, Inc. (collectively, "Vivint") regarding irrelevant and inflammatory race-related issues at trial, including:

- a June 2020 email sent by CPI's CEO, Ken Gill, to Jorge Millares, the leader of non-profit Queen City Unity, regarding the Charlotte-Mecklenburg Police Department, and the related fallout after Millares made that email public;
- (2) a wholly-unrelated employment discrimination lawsuit by former CPI employee, Kelley Phelps; and

- (3) other unsubstantiated allegations related to CPI's employment and operational practices related to issues of race.

In its contemporaneously filed memorandum in support, CPI provides the grounds for the Motion.

CPI certifies that, prior to filing this Motion, CPI's counsel consulted with Vivint's counsel regarding the relief sought herein. Vivint does not consent to the relief requested by CPI.

Dated: December 15, 2021

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

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*Counsel for Plaintiff
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CERTIFICATE OF SERVICE

I certify that on the 15th day of December, 2021, I have electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of filing to all counsel and parties of record.

*/s/ Caroline M. Gieser*_____